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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,426	11/20/2003	Eli Kritchman	P-3403-USI	6957
49443 7590 07/09/2007 PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036			EXAMINER TENTONI, LEO B	
			ART UNIT 1732	PAPER NUMBER
			MAIL DATE 07/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/716,426	Applicant(s) KRITCHMAN ET AL.	
	Examiner Leo B. Tentoni	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8, 9, 11, 13, 21-25, 31, 32, 35 and 61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-25 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 9, 31, 35 and 61 is/are rejected.
- 7) ☒ Claim(s) 11, 13 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 April 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 8, 31, 35 and 61 are rejected under 35 U.S.C. 103(a) as being obvious over Napadensky et al.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a

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terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(1)(1) and § 706.02(1)(2). Napadensky et al (see the entire document, in particular, col. 2, lines 35-38; col. 8, line 58 to col. 9, line 14; col. 18, line 55 to col. 19, line 28) teaches a process of making a three-dimensional object including dispensing a first material to form the object and at least part of a support structure, dispensing a second material to form a part of the support structure (note that Napadensky et al teaches dispensing first and second (interface) materials, and these materials make up the object, support structure and release layers), dispensing a release layer between the object and the support structure, wherein the support structure is made from first and second materials, and the support structure is not in contact with the object (as the release layer is between the object and the support structure). Napadensky et al does not explicitly teach that the support structure is a pillar (e.g., a column, post or shaft); however, this type of structure would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Napadensky et al principally because Napadensky et al shows (see Figure 2) this type of structure

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(note especially the stem and the base of the wineglass, wherein the support structure is in the shape of a pillar-like object). Furthermore, the geometry of the support structure depends on the geometry of the three-dimensional object manufactured, and it would be within the skill level of one of ordinary skill in the art to utilize a support structure having a desired geometry.

5. Claims 1-4, 8, 31, 35 and 61 are rejected under 35 U.S.C. 103(a) as being obvious over either Gothait (U.S. Patent 6,658,314 B1) alone, or Gothait (U.S. Patent 6,658,314 B1) in combination with Leyden et al (U.S. Patent 6,193,923 B2).

The applied reference has a common inventor (Gothait) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130

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stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(1)(1) and § 706.02(1)(2). Gothait (see the entire document, in particular, col. 5, lines 31-54) teaches a process of making a three-dimensional object including dispensing a first material to form the object and at least part of a support structure, dispensing a second material to form a part of the support structure (note that Gothait teaches dispensing first and second (interface) materials, and these materials make up the object, support structure and release layers), dispensing a release layer between the object and the support structure, wherein the support structure is made from first and second materials, and the support structure is not in contact with the object (as the release layer is between the object and the support structure). Gothait does not explicitly teach that the support structure is a pillar (e.g., a column, post or shaft); however, this type of structure would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of

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Gothait principally because the geometry of the support structure depends on the geometry of the three-dimensional object manufactured, and it would be within the skill level of one of ordinary skill in the art to utilize a support structure having a desired geometry. Leyden et al (see the entire document, in particular, Figure 2) teaches a process of making a three-dimensional object including the use of pillars as support structures, and such would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Gothait in view of Leyden et al principally in order to provide a support structure having a desired/required geometry for a three-dimensional object.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Napadensky et al (U.S. Patent 6,569,373 B2) or Gothait (U.S. Patent 6,658,314 B1) as applied to claims 1-4, 8, 31, 35 and 61 above, and further in view of Crump et al (U.S. Patent 5,503,785 A).

Crump et al (see the entire document, in particular, col. 2, lines 47-50; col. 6, lines 51-61) teaches a process of making a three-dimensional object including the step of subjecting a support structure and a release layer to a solvent, and such would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of either

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Napadensky et al or Gothait in view of Crump et al principally in order to separate the three-dimensional object from the support structure and the release layer.

Allowable Subject Matter

7. Claims 11, 13 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 21-25 are allowable over the prior art references presently of record.

Response to Arguments

9. Applicant's arguments with respect to claims 1-4, 8, 9, 11, 13, 21-25, 31, 32, 35 and 61 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

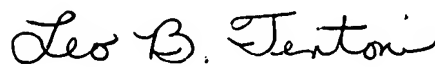
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571) 272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on (571) 272-1176. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Leo B. Tentoni
Primary Examiner
Art Unit 1732

lbt